

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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SUMMIT CARBON SOLUTIONS, LLC,

Petitioner,

v.

IOWA UTILITIES BOARD, A DIVISION OF  
THE DEPARTMENT OF COMMERCE,  
STATE OF IOWA,

Respondent,

And

SIERRA CLUB IOWA CHAPTER and  
OFFICE OF CONSUMER ADVOCATE,

Intervenors.

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Case No. CVCV062900

**DECLARATION OF JESS VILSACK**

1. My name is Jess Vilsack and I am General Counsel of Summit Carbon Solutions.
2. In my capacity as General Counsel, I am involved in and aware of the facts and arguments the records injunction litigation.
3. On March 16, 2022, the Iowa Utilities Board provided responses to interrogatories from Sierra Club pertaining to facts as to whether the Board had sought production of mailing lists from parties in other cases before the Board.
4. Just five days later, on March 21, before SCS was able to serve relevant follow-up discovery on the Board testing the responses, Sierra Club used these responses as a basis for a motion for summary judgment.

5. Due to the nature of the questions asked in the interrogatories, the responses are materially incomplete – the interrogatories sought a list of cases where a list had been requested, without asking if there were cases where such a list was not sought.

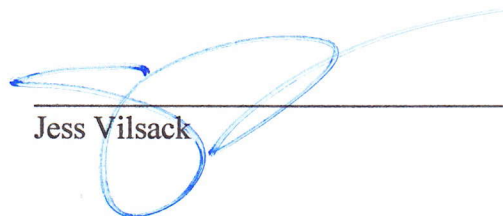
6. I have personally spoken with persons involved in other infrastructure cases at the Board, and our team has reviewed certain cases on the Board's public Electronic Filing System to look for evidence of such lists or a policy regarding such lists and from this diligence I have a good faith basis for belief that the facts are subject to dispute as to whether the Board acted in a way as to suggest a consistent procedure.

7. On April 5, 2022, SCS served interrogatories on the Board specifically designed to address these issues. The interrogatories are attached to SCS's motion for a continuance. These interrogatories were timely served under the procedural order in this case.

8. Obtaining responses to SCS's interrogatories will provide information with which SCS can either directly, or by affidavit, properly resist Sierra Club's motion.

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

4-6-22  
Date

  
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Jess Vilsack